

1601359-Court-A-Unit
 HERBERT FRANK ALLEN
 PO BOX 1258
 ATTORNEY AT LAW
 TARBORO, NC 27886-1258

IN RE
 HENRY LEE JENKINS
 PO BOX 723

PINETOPS, NC 27864
 SSN or Tax I.D. XXX-XX-7639

SHEILA LANNETTE JENKINS
 PO BOX 723

PINETOPS, NC 27864
 SSN or Tax I.D. XXX-XX-7262

United States Bankruptcy Court
 PO Box 791
 Raleigh, NC 27602

Chapter 13
 Case Number: 16-01359-5-JNC

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 06/06/2016, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
 PO Box 791
 Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):	Attorney:	Trustee:
HENRY LEE JENKINS	HERBERT FRANK ALLEN	Richard M. Stearns
PO BOX 723	PO BOX 1258	1015 Conference Dr.
PINETOPS, NC 27864	ATTORNEY AT LAW	Greenville, NC 27858
-----	TARBORO, NC 27886-1258	
SHEILA LANNETTE JENKINS		
PO BOX 723		
PINETOPS, NC 27864		

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: May 05, 2016

Richard M. Stearns
 Chapter 13 Trustee
 1015 Conference Dr.
 Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
GREENVILLE DIVISION**

IN RE:

CASE NUMBER: 16-01359-5-JNC

HENRY LEE JENKINS

SHEILA LANNETTE JENKINS

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on April 19, 2016, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$1125.00 PER MONTH FOR 60 MONTHS.
5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before July 18, 2016 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before September 12, 2016 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
 - a. Claims to be paid directly by the Debtor:

Creditor

Collateral

Repayment Rate/Term

#010 SANTANDER 2014 DODGE **TO BE PAID DIRECT.**
 CONSUMER USA JOURNEY

b. Continuing Long Term Debts to be paid by the Trustee:

IF A PROOF OF CLAIM IS TIMELY FILED the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan.

Two post-petition contractual payments shall be included in the arrearage claim.

**The Debtor is to resume direct payments upon completion of plan payments.
 (SEE PARAGRAPH 8 BELOW)**

<u>Creditor</u>	<u>Collateral</u>
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NONE

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#009 VANDERBILT MORTGAGE	MORTGAGE & ARREARS.	CREDITOR TO RECEIVE CONTRACT PAYMENT. THIS DEBT MAY CONTINUE BEYOND THE TERM OF THE PLAN.
#024 UNITED CONSUMER FINANCIAL SERVICES	KIRBY VACUUM	<i>ARREARS</i> OVER THE TERM OF THE PLAN. \$2,117.19; TO BE PAID OVER THE TERM OF THE PLAN @ 5.50% INTEREST.

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#011 SPRINGLEAF FINANCIAL SERVICES	2005 NISSAN ALTIMA	\$5,125.00 SECURED	TO BE PAID OVER THE TERM OF THE PLAN @
		\$1,751.45 UNSECURED	5.50% INTEREST.

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7, 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
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NONE

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$5,000.00. The Trustee recommends to the Court a fee of \$5,000.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.
16. Other Provisions: NONE

RICHARD M. STEARNS

Standing Chapter 13 Trustee

EXHIBIT 'A'

DEBTORS: HENRY & SHEILA JENKINS **CASE NUMBER:** 16-01359-5-JNC

EMPLOYMENT:

Debtor: DISABILITY GROSS INCOME: \$989.00
 Spouse: KEIHAN SYSTEMS \$3,958.00
 TECH & CHILD
 SUPPORT

Prior Bankruptcy Yes ☐ No ☒ If so, Chapter filed

cases:

Disposition:

Real Property: House and Lot ☐ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☒

Description: RESIDENCE @ 2976 BYNUM FARM ROAD / JOINT

FMV	\$72,937.00	Date Purchased	
Liens	\$58,402.81	Purchase Price	
Exemptions	\$14,534.19	Improvements	
Equity	\$ 0.00	Insured For	
Rent		Tax Value	\$72,937.00

Description	N/A	Date Purchased	
FMV		Purchase Price	
Liens		Improvements	
Exemption		Insured For	
Equity	\$ 0.00	Tax Value	
Rent			

COMMENTS:

Attorney Requested: \$5,000.00 (excluding filing fee)
Fees: Paid: \$172.00 (excluding filing fee)
 Balance: \$4,828.00

Trustee's Recommendation: \$5,000.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$71,304.22	Pay in	\$67,500.00	Priority	0.00%
Priority	\$0.00	Less 8.00%	\$5,400.00	Secured	100.00%
Secured	\$51,797.45	Subtotal	\$62,100.00	Unsecured	28.06%
Unsecured	\$19,506.77	Req. Atty. Fee	\$4,828.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$57,272.00	Co-Debts	0.00%
Co-Debtor	\$0.00				

Annual Review: Yes ☒ No ☐

Payroll Deduction: Yes ☐ No ☒

Objection to Confirmation:

Yes ☐ No ☒

Pending:
Resolved:

Motions Filed: Yes ☐ No ☒

If so, indicate type and status:

Hearing Date:

CASE: 1601359 TRUSTEE: 54 COURT: 278
 TASK: 05-04-2016.00814614.LSA000 DATED: 05/05/2016

Court Served Electronically

Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	HENRY LEE JENKINS	PO BOX 723 PINETOPS, NC 27864
Joint	SHEILA LANNETTE JENKINS	PO BOX 723 PINETOPS, NC 27864
799	000002 HERBERT FRANK ALLEN ATTORNEY AT LAW	PO BOX 1258 TARBORO, NC 27886-1258
014	000014 FINGERHUT CHAPTER 13 BANKRUPTCY	PO BOX 166 NEWARK, NJ 07101-1758
IRS	000005 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
ATYGEN	000003 The Honorable Loretta Lynch 950 Pennsylvania Ave. NW	U.S. Department of Justice Washington, DC 20530
USATTY	000007 US ATTORNEY *CM 310 NEW BERN AVE, FEDERAL BLDG	ATTENTION: BANK OFFICER, STE 800 RALEIGH, NC 27601-1461
NCREV	000006 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
020	000020 VECTOR SECURITY SYSTEM	5606 CHAPEL HILLE ROAD STE 118 RALEIGH, NC 27607
ESC	000004 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
015	000015 MARINER FINANCE	1364 BENVENUE RD ROCKY MOUNT, NC 27804
018	000018 TIME FINANCE	PO BOX 8223 ROCKY MOUNT, NC 27804
016	000016 ONE MAIN FINANCIAL	109 S GRACE ST ROCKY MOUNT, NC 27804-5602
021	000021 VIDANT EDGECOMBE HOSPITAL CHAPTER 13 BANKRUPTCY	PO BOX 8307 GREENVILLE, NC 27835
022	000022 VIDANT MULTI SPECIALITY CLINIC	101 HOSPITAL DRIVE TARBORO, NC 27866
008	000008 VANDERBILT MORTGAGE BANKRUPTCY DEPARTMENT	PO BOX 9800 MARYVILLE, TN 37802
009	000009 VANDERBILT MORTGAGE BANKRUPTCY DEPARTMENT	PO BOX 9800 MARYVILLE, TN 37802
011	000011 SPRINGLEAF FINANCIAL SERVICES	PO BOX 3251 EVANSVILLE, IN 47731
011	000023 SPRINGLEAF FINANCIAL SERVICES	PO BOX 3251 EVANSVILLE, IN 47731
017	000017 STONEBERRY	PO BOX 2820 MONROE, WI 53566-8020
019	000019 US CELLULAR	DEPT 0205 PALATINE, IL 60055-0205
012	000012 AT&T PO BOX 3517	C/O AFNI INC BLOOMINGTON, IL 61702-3517
025	000025 DEPARTMENT OF EDUCATION/MOHELA	633 SPIRIT DR CHESTERFIELD, MO 63005

CERTIFICATE OF MAILING

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TASK: 05-04-2016.00814614.LSA000 DATED: 05/05/2016

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013	000013	FIGIS COMPANIES INC PO BOX 800849	C/O CREDITORS BANKRUPTCY SERVICES DALLAS, TX 75380
010	000010	SANTANDER CONSUMER USA PO BOC 961275	DBA CHRYSLER CAPITAL FORT WORTH, TX 76161
024	000024	UNITED CONSUMER FINANCIAL SERVICES 3936 E FT LOWELL SUITE 200	C/O BASS & ASSOCIATES PC TUCSON, AZ 85712

28 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 05/05/2016.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 05/05/2016 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail